

As amended, effective
July 26, 1995

CHAPTER 18A
ENERGY POLICY

Sec. 18A-1. Findings and statement of purpose.

In the interest of maintaining an adequate and reliable energy supply at reasonable cost, the county government recognizes the need to institutionalize through legislation an energy policy and energy planning program. In addition, the efficient use of energy directly benefits air quality, demonstrating the linkages necessary to achieve essential environmental goals. For this reason, the responsibilities of the advisory committee on energy conservation are herein expanded to include an advisory function with respect to air quality.

The intent of this Chapter is to provide the initiative for county government to address energy issues and plan for a future which may be energy resource constrained. It establishes the means to formulate ongoing policies, plans, programs and activities designed to foster energy conservation and to promote cost-effective alternatives to existing sources of energy and patterns of energy consumption while maintaining efforts to meet environmental goals.

This Chapter is intended to serve as a vehicle for the promotion of energy consciousness throughout all segments of the community and for the development and implementation of immediate and long-range cooperative energy planning efforts in both the public and private sectors.

Sec. 18A-2. Energy Policy - Purposes; preparation; content; action plan; annual review.

- (a) The county executive must develop and submit to the county council for approval an energy policy which establishes both short and long-term energy efficiency objectives, promotes immediate and long-range energy consciousness, identifies potential strategies for leadership at the county level to help secure the county's energy future, and stresses the link between energy and the environment. The Executive must review the energy policy annually and report to the Council by October 31 on its continuing appropriateness, and may with Council approval amend it from time to time.
- (b) To further the objectives of the energy policy, the county executive must annually develop an energy work program of activities which can be concluded within 12 to 24 months. The Executive must review the work program each year, may add new initiatives when action is completed on previous years' activities, and may modify or end existing activities as appropriate. The Executive must also propose a long-range plan of public and private actions to accomplish those objectives.

Sec. 18A-3. Public hearing; modifications; approval; effective date

- (a) After receiving a proposed energy policy from the county executive, the county council must, after not less than 30 days notice to the public, conduct a public

hearing on the energy policy at which all interested persons, firms, organizations and groups must have an opportunity to comment on the policy.

- (b) After the record of the public hearing on the policy closes, the county council by resolution must either:
 - (1) Approve the policy as submitted by the county executive; or
 - (2) Modify the policy and approve it as so modified; or
 - (3) Reject the policy and resubmit it to the county executive for further consideration, revision and resubmission, addressing issues raised by the council.
- (c) If the county council modifies the policy as submitted by the county executive, the council must, within 3 working days after taking action thereon, transmit the policy as modified to the county executive, who must, within 10 days after receipt of the modified policy, indicate in writing to the council concurrence or nonconcurrence with the modifications. If the executive does not indicate nonconcurrence within 10 days, the policy takes effect as modified by the council. If within 10 days the Executive does not concur with the modifications made by the council and states his reasons therefor, the council must, within 30 days either:
 - (1) Further revise the policy to take into account any or all of the objections and recommendations of the county executive and then approve the policy as further revised; or
 - (2) By an affirmative vote of a simple majority of its members, approve the policy as previously sent to the Executive.
- (d) Except as otherwise provided in this Section, the policy takes effect on the date it is approved by the county council and continues in effect until amended in accordance with section 18A-4.

Sec. 18A-4. Amendments.

- (a) Amendments to the energy policy may be initiated at any time by the county executive or by the county council.
- (b) Amendments to the policy which are initiated by the county executive must be prepared and processed in accordance with sections 18A-2 and 18A-3.
- (c) Amendments to the policy which are initiated by the county council must be prepared in accordance with section 18A-3 and then submitted to the county executive for review and comment. The county executive must have 30 days in which to submit comments in writing to the county council, after which the council must proceed to public hearing and processing of the policy in accordance with section 18A-3.

Sec. 18A-5. Energy and Air Quality Advisory Committee; establishment; terms of office; ex-officio members; etc.

- (a) There is hereby established an advisory committee on energy and air quality, hereinafter referred to as the committee, to assist the county council and the county executive in carrying out the purposes of this chapter and chapter 3. The committee consists of 15 members appointed by the county executive, subject to confirmation by the county council. One (1) member must be designated by the executive and confirmed by the council to serve as chair of the committee. Appointees must be citizens of Montgomery County who are technically knowledgeable and interested in energy and air quality.
- (b) Appointments, term of office and attendance requirements are governed by Section 2-148. The initial appointments must be staggered. Members appointed to fill vacancies serve the remainder of the unexpired term.
- (c) Members of the committee serve without compensation.
- (d) In addition to the chair appointed under subsection (a), the committee may elect other officers necessary to carry out its duties.
- (e) In addition to the 15 voting members of the committee, the county executive and the county council may each appoint an ex-officio, non-voting member to serve at the pleasure of the appointing authority.

Sec. 18A-6. Meetings; quorum; voting.

The committee must meet in public session on call by the chair as frequently as required to perform its duties but not less than once each calendar quarter. A regular or emergency meeting may also be convened at the request of two-thirds of the members. Reasonable notice must be given to the committee members and to the general public for all meetings of the committee, as required by the state open meetings law. A majority of the members of the committee is a quorum for the transaction of business, and a majority vote of those present, but not less than 4 members, is sufficient to take any action.

Sec. 18A-7. Subcommittees.

The chair may, with the approval of the committee, appoint subcommittees from its members to assist in carrying out any function of the committee. Any subcommittee so appointed must consist of not less than 3 members. Subcommittee action is not the action of the committee and does not bind the committee or its members.

Sec. 18A-8. Duties and responsibilities.

The committee has the following duties:

- (a) Advise the county executive and the county council of the activities of the committee in furthering the goals of this chapter and chapter 3;
- (b) Develop recommendations to promote and implement immediate and long-range energy consciousness in all segments of the community;
- (c) Comment on or assist in developing programs to meet air quality standards and to promote healthy indoor and outdoor air quality.
- (d) Identify areas and methods to encourage voluntary participation in energy conservation efforts and air quality improvements.
- (e) Educate the public and private sectors about the efficient use of energy and its direct benefits for improved air quality.
- (f) Carry out such other duties as may be assigned from time to time by the county executive and the county council to assist in fulfilling the purposes of this chapter.

Sec. 18A-9. Interagency Group on Energy and Utility Management - establishment, membership, meetings.

- (a) The County Executive must establish an interagency group on energy and utility management to coordinate county government energy conservation efforts, promote energy efficiency, share information, provide technical assistance and cooperate on planning and implementing energy conservation measures.
- (b) Each County or bicounty agency with substantial utility budgets or energy conservation capital projects, including executive departments and offices, the Board of Education, Montgomery College, the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission, the Housing Opportunities Commission, and the county council should designate a liaison to the group. The executive must select a senior officer or employee of the executive branch to facilitate the group's operation.
- (c) The group must meet as frequently as necessary to perform its duties.
- (d) The group has the following duties
 - (1) Establish uniform utility unit costs for county operating budget purposes;
 - (2) Prepare agency resource conservation plans annually describing current and anticipated energy conservation programs with actual and projected energy and cost savings;
 - (3) Advise the county executive and the county council on energy conservation

goals, cost savings and new technologies.

Sec. 18A-10. Administrative arrangements; support and organizational duties and functions of county government.

- (a) The county executive must designate a senior officer or employee of the executive branch of county government to provide executive direction to the performance of the functions and responsibilities delineated in this chapter and to report annually to the Executive and Council on the activities undertaken to further the goals of this chapter.
- (b) The county executive may also establish such organizational and administrative arrangements as appropriate to promote the policies and purposes of this chapter, including the following functions:
 - (1) Update the energy policy and work program as necessary;
 - (2) Formulate policies, plans and programs, including necessary legislative proposals, for recommendation to the county executive and county council designed to promote energy conservation in the county;
 - (3) Coordinate with other interested parties in the development and implementation of energy conservation activities;
 - (4) Recommend methods for the coordination of energy saving efforts in the public and private sectors;
 - (5) Assemble and disseminate information concerning energy conservation for use by the government, the private sector and the general public;
 - (6) Develop and promote activities and programs designed to foster public awareness of the need for and the means to achieve cost-effective energy conservation.

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